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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/575,909	04/13/2006	Philippe Noelle	H0004872-2930	5094
46507 7590 10/03/2008 HONEYWELL TURBO TECHNOLOGIES 23326 HAWTHORNE BOULEVARD, SUITE #200 TORRANCE, CA 90505				
EXAMINER				
BASKIN, JEREMY S				
ART UNIT		PAPER NUMBER		
4137				
MAIL DATE		DELIVERY MODE		
10/03/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/575,909

**Applicant(s)**

NOELLE, PHILIPPE

**Examiner**

Jeremy S. Baskin

**Art Unit**

4137

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 April 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/ICE)
- Paper No(s)/Mail Date 08/03/2008
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_

**DETAILED ACTION**

***Priority***

1. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. PCT/EP03/11599, filed on 10/20/2003.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. **Claims 1-3** are rejected under 35 U.S.C. 102(b) as being anticipated by *British Thomson-Houston* (U.K. Pat. No. GB-216136-A).
4. Regarding **Claim 1**, the reference discloses an adjustable valve member 55 that is acted upon by a coil spring 51, 52, 53. The spring is threaded onto an adjustable retainer (threaded rod running through the center of the coil spring in Figure 2) by means of a portion of reduced diameter (central threads of 51 in Figure 2).
5. Regarding **Claim 2**, the spring 51, 52, 53 is threaded onto the valve member 55 as shown in Figure 2.
6. Regarding **Claim 3**, the spring 51, 52, 53 is fixedly fitted to the valve member 55 so as to allow the assembly to perform its intended axial movement (pp. 2, ll. 65-70).
7. **Claims 1 and 3** are rejected under 35 U.S.C. 102(b) as being anticipated by *Jespersen* (U.S. Pat. No. 3,695,577).

8. Regarding **Claim 1**, the reference discloses an adjustable valve in Figure 3 comprising a valve member 37 acted upon by a coil spring 45. An adjustable retainer 40 has a threaded portion 43 that engages a complimentary wound smaller in diameter end 44 of the coil spring.
9. Regarding **Claim 2**, the coil spring 45 is threaded onto valve member 37 via retainer 40 in Figure 3.
10. Regarding **Claim 3**, to fix the coil spring 45 to the valve member 37, the coil spring possesses a bent over hook 48 that feeds into a hole in the valve member in Figure 3.

### ***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
12. ***Dickinson* (U.S. Pat. No. 3,160,406) discloses an adjustable spring similar to that described within Claim 1.**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeremy S. Baskin whose telephone number is (571)270-7421. The examiner can normally be reached on Monday through Friday, 7:30AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dmitry Suhol can be reached on (571) 272-4430. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J. S. B./

Examiner, Art Unit 4137

/Dmitry Suhol/

Supervisory Patent Examiner, Art Unit 4137